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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**
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12 ELIZABETH WEISS,

13 Plaintiff,

14 vs.

15 STEPHEN PEREZ, in his official capacity as
President of San Jose State University; *et al.*,

16 Defendants.
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Case No. 5:22-cv-00641-BLF

**REVISED STIPULATION TO EXTEND
BRIEFING SCHEDULE; DECLARATION
OF BRYAN H. HECKENLIVELY IN
SUPPORT OF REVISED STIPULATION;
~~PROPOSED~~ ORDER
(LOCAL RULE 6-2)**

Judge: Hon. Beth Labson Freeman
Date: October 13, 2022
Time: 9:00 a.m.
Crtrm.: 3, 5th Floor

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES THAT:

1. Because Plaintiff's First Amended Complaint differs materially from her original complaint, and because the Court's first available hearing date for a motion to dismiss the First Amended Complaint is October 13, the parties have agreed to the following briefing schedule for Defendants' anticipated motion to dismiss to permit them additional time to brief the issues without delaying the Court's hearing or consideration of the motion:
 - a. Defendants may have until and including July 6, 2022, to file their motion to dismiss Plaintiff's First Amended Complaint.
 - b. Plaintiff may have until and including August 4, 2022, to file her opposition to Defendants' motion to dismiss her First Amended Complaint.
 - c. Defendants may have until and including August 18, 2022, to file their reply brief in support of their motion to dismiss Plaintiff's First Amended Complaint.
2. Today, June 22, 2022, the parties were able to re-reserve October 13 as the hearing date for the motion to dismiss. This is no earlier than 14 days prior to the proposed filing date for Defendants' motion to dismiss of July 6, 2022, in compliance with this Court's Standing Order re Civil Cases § III.A and June 17, 2022 Order, ECF. No. 84.
3. This is the first extension of time for these briefs. Defendants previously received a brief extension to file their motion to dismiss the original complaint and their opposition to the preliminary injunction motion, ECF No. 23, as well as to file their reply brief in support of their motion to dismiss. ECF No. 39. Plaintiff previously received a brief extension to file her reply brief in support of her motion for a preliminary injunction, and to file her opposition to Defendants' motion to dismiss. ECF No. 39.

1 DATED: June 22, 2022

MUNGER, TOLLES & OLSON LLP

2 By: /s/ Bryan H. Heckenlively

3 BRYAN H. HECKENLIVELY

Attorneys for Defendants

4 DATED: June 22, 2022

DANIEL M. ORTNER

5 ETHAN W. BLEVINS

Pacific Legal Foundation

6 By: /s/ Daniel M. Ortner

7 DANIEL M. ORTNER

8 Attorneys for Plaintiff

FILER'S ATTESTATION

I, Bryan H. Heckenlively, am the ECF user whose identification and password is being used to file this Stipulation and Proposed Order to Extend Time pursuant to Civil Local Rule 5-1(h). I hereby attest that the above-named signatories concur in and authorize this filing.

/s/ Bryan H. Heckenlively
BRYAN H. HECKENLIVELY, No. 279140

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS ORDERED THAT:

- a. Defendants may have until and including July 6, 2022 to file their motion to dismiss Plaintiff's First Amended Complaint.
- b. Plaintiff may have until and including August 4, 2022 to file her opposition to Defendants' motion to dismiss her First Amended Complaint.
- c. Defendants may have until August 18, 2022 to file their reply brief in support of their motion to dismiss Plaintiff's First Amended Complaint.
- d. The motion will be heard on October 13, 2022 at 9:00 a.m. if filed on or before July 6, 2022.

Dated June 22, 2022



THE HON. BETH LABSON FREEMAN